

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #14	CCRB Case #: 202000485	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> O.L.	<input type="checkbox"/> U.S. <input type="checkbox"/> Injury
Incident Date(s) Friday, 12/27/2019 5:12 PM, Friday, 12/27/2019 5:47 PM, Friday, 12/27/2019 6:00 PM	Location of Incident: § 87(2)(b) in an ambulance; and § 87(2)(b) Hospital	18 Mo. SOL 2/11/2022	Precinct: 73		
Date/Time CV Reported Fri, 01/17/2020 2:58 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 01/17/2020 2:58 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Orkhan Mamedov	01393	965787	073 PCT
2. POM Mdabdul Halim	15322	956714	073 PCT
3. POM Christophe Kalinowski	22920	962515	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Mdabdul Halim	Discourtesy: Inside of § 87(2)(b) in Brooklyn, Police Officer Mdabdul Halim spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POM Christophe Kalinowski	Discourtesy: Inside of § 87(2)(b) in Brooklyn, Police Officer Christopher Kalinowski spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C.POM Orkhan Mamedov	Force: Inside of § 87(2)(b) in Brooklyn, Police Officer Orkhan Mamedov hit § 87(2)(b) against a wall.	§ 87(2)(b)
D.POM Mdabdul Halim	Force: Inside of § 87(2)(b) in Brooklyn, Police Officer Mdabdul Halim hit § 87(2)(b) against a wall.	§ 87(2)(b)
E.POM Orkhan Mamedov	Abuse: Inside of § 87(2)(b) in Brooklyn, Police Officer Orkhan Mamedov forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
F.POM Mdabdul Halim	Abuse: Inside of § 87(2)(b) in Brooklyn, Police Officer Mdabdul Halim forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
G.POM Orkhan Mamedov	Abuse: Inside of § 87(2)(b) in Brooklyn, Police Officer Orkhan Mamedov interfered with § 87(2)(b) use of a recording device.	§ 87(2)(b)
H.POM Orkhan Mamedov	Abuse: Inside of § 87(2)(b) in Brooklyn, Police Officer Orkhan Mamedov damaged § 87(2)(b) property.	§ 87(2)(b)
I.POM Orkhan Mamedov	Force: Inside of § 87(2)(b) in Brooklyn, Police Officer Orkhan Mamedov used physical force against § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
J.POM Christophe Kalinowski	Force: Inside of § 87(2)(b) in Brooklyn, Police Officer Christopher Kalinowski used physical force against § 87(2)(b)	
K.POM Christophe Kalinowski	Discourtesy: Inside of § 87(2)(b) in Brooklyn, Police Officer Christopher Kalinowski acted discourteously toward § 87(2)(b)	
L.POM Christophe Kalinowski	Discourtesy: Inside of § 87(2)(b) in Brooklyn, Police Officer Christopher Kalinowski spoke discourteously to § 87(2)(b)	
M.POM Orkhan Mamedov	Discourtesy: En route to § 87(2)(b) Hospital in Brooklyn, Police Officer Orkhan Mamedov spoke discourteously to § 87(2)(b)	
N.POM Orkhan Mamedov	Abuse: En route to § 87(2)(b) Hospital in Brooklyn, Police Officer Orkhan Mamedov interfered with § 87(2)(b) use of a recording device.	
O.POM Orkhan Mamedov	Abuse: At § 87(2)(b) Hospital in Brooklyn, Police Officer Orkhan Mamedov interfered with individuals' uses of recording devices.	
P.POM Mdabdul Halim	Abuse: At § 87(2)(b) Hospital in Brooklyn, Police Officer Mdabdul Halim interfered with § 87(2)(b) use of a recording device.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

### Case Summary

On January 17, 2020, § 87(2)(b) filed this complaint at the CCRB in person.

On December 27, 2019, at approximately 5:12 p.m., § 87(2)(b) called 911 to report that he was assaulted at § 87(2)(b) in Brooklyn. Police Officers Christopher Kalinowski, Mdabdul Halim, and Orkhan Mamedov, all of the 73<sup>rd</sup> Precinct, responded to § 87(2)(b) call. Inside of § 87(2)(b) PO Kalinowski and PO Halim told § 87(2)(b) to “cut the shit” (**Allegations A and B: Discourtesy**, § 87(2)(g) PO Mamedov and PO Halim allegedly hit § 87(2)(b) into a wall while handcuffing him (**Allegations C and D: Force**, § 87(2)(g) PO Mamedov and PO Halim forcibly removed § 87(2)(b) to § 87(2)(b) Hospital in Brooklyn (**Allegation E and F: Abuse of Authority**, § 87(2)(g) After § 87(2)(b) was handcuffed, PO Mamedov interfered with § 87(2)(b) use of a recording device (**Allegation G: Abuse of Authority**, § 87(2)(g) and allegedly cracked § 87(2)(b) cellphone (**Allegation H: Abuse of Authority**, § 87(2)(g) After § 87(2)(b) was handcuffed, PO Mamedov and PO Kalinowski took § 87(2)(b) to the ground (**Allegations I and J: Force**, § 87(2)(g) When § 87(2)(b) was on the stretcher, PO Kalinowski dropped § 87(2)(b) jacket over his face and said, “It’s a fucking blanket,” and also called § 87(2)(b) an “idiot” (**Allegations K and L: Discourtesy**, § 87(2)(g) Inside the ambulance, PO Mamedov allegedly told § 87(2)(b) “You better not be fucking recording in here” (**Allegation M: Discourtesy**, § 87(2)(g) and **Allegation N: Abuse of Authority**, § 87(2)(g) At § 87(2)(b) Hospital in Brooklyn, PO Mamedov and PO Halim allegedly told § 87(2)(b) who was at the hospital, as well as other unidentified individuals at the hospital that they could not record (**Allegations O and P: Abuse of Authority**, § 87(2)(g)

No arrests or summonses were associated with this incident.

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Body-worn camera footage and cellphone video were obtained and will be discussed in further detail below.

### Findings and Recommendations

**Allegation (A) Discourtesy: Inside of § 87(2)(b) in Brooklyn, Police Officer Christopher Kalinowski spoke discourteously to § 87(2)(b)**

**Allegation (B) Discourtesy: Inside of § 87(2)(b) in Brooklyn, Police Officer Mdabdul Halim spoke discourteously to § 87(2)(b)**

The investigation established the following facts:

On December 27, 2019, at approximately 5:12 p.m., § 87(2)(b) went to § 87(2)(b) to meet with an individual he met on a dating app. Upon arriving, § 87(2)(b) was assaulted by unknown assailants and called 911 in regard. PO Halim, PO Mamedov, and PO Kalinowski responded to the 911 call and spoke with § 87(2)(b) in the vicinity of § 87(2)(b) The officers also spoke with neighbors regarding the incident. As § 87(2)(b) became animated regarding the incident and his need for a police report, the officers deemed § 87(2)(b) an emotionally disturbed person (EDP) and called for EMS. The officers handcuffed § 87(2)(b) and a struggle ensued, which resulted in § 87(2)(b) landing on the floor of the hallway outside the apartment. The officers then brought § 87(2)(b) downstairs, where EMS had a stretcher, and EMS transported § 87(2)(b) to § 87(2)(b) Hospital.

§ 87(2)(b) (BR 01) testified that during the assault, two male individuals entered the apartment and choked § 87(2)(b) as well as punched him in the mouth or used a hammer, causing § 87(2)(b) to lose five teeth. The individuals took § 87(2)(b) wallet and left the apartment, and § 87(2)(b) called 911 to report that he had been robbed and assaulted. When the officers arrived, § 87(2)(b) was in the hallway outside the apartment, and informed the officers of the robbery and

assault. PO Halim and PO Kalinowski spoke with neighbors, who § 87(2)(b) recognized as the males who assaulted him. After the officers spoke with the neighbors, § 87(2)(b) again asserted that he was robbed, assaulted, and needed a police report. The officers told § 87(2)(b) that he had to leave the location. PO Kalinowski told § 87(2)(b) “You need to get your shit and leave.”

In PO Kalinowski’s body-worn camera (BR 02-03), § 87(2)(b) is standing outside the door of the apartment and explains to PO Halim that he was attacked. PO Halim comments that he does not observe any injuries on § 87(2)(b) person. § 87(2)(b) grits his teeth and says, “You don’t see this?” PO Halim responds, “That’s because you fell. You said you fell in the bathroom.” § 87(2)(b) denies falling, enters the apartment, and asks the officers to enter. PO Halim instructs § 87(2)(b) to get his belongings and leave. § 87(2)(b) refuses to leave and PO Halim tells § 87(2)(b) that if he does not leave, he will handcuff him and send him to the hospital (see Allegation F). PO Kalinowski enters the apartment (<<12:07 – 13:27>>). § 87(2)(b) says, “This is not right” and PO Halim instructs § 87(2)(b) to come outside the apartment. PO Kalinowski approaches § 87(2)(b) and says, “Get over here, now. Cut the shit. Cut the shit.” The officers then exit the apartment with § 87(2)(b) (<<14:00 – 14:24>>).

In PO Halim’s body-worn camera footage (BR 04, 03), PO Halim is inside the apartment with § 87(2)(b) and asks § 87(2)(b) for his last name, which § 87(2)(b) provides. PO Halim asks § 87(2)(b) for his first name and § 87(2)(b) responds, “No, there’s something going on. This is not right.” PO Halim and PO Kalinowski approach § 87(2)(b). PO Kalinowski says, “Cut the shit,” and PO Halim repeats, “Cut the shit,” twice (<<13:36 – 14:09>>).

PO Halim (BR 05) testified that when he first observed § 87(2)(b) in the hallway, he appeared intoxicated as he struggled to stand upright. When PO Halim asked § 87(2)(b) what happened, § 87(2)(b) repeatedly stated that he was assaulted, became irate, and would not provide further information regarding the assault. PO Halim denied telling § 87(2)(b) “Cut the shit.” After reviewing his body-worn camera footage, PO Halim confirmed he made the statement, “Cut the shit” because § 87(2)(b) refused to leave and PO Halim was trying to get § 87(2)(b) to comply with his orders to leave the residence. PO Halim did not make this statement for any other reason.

PO Kalinowski (BR 06) had no recollection of this incident and attempts to refresh his recollection were unsuccessful. After reviewing his body-worn camera footage, PO Kalinowski heard himself say, “Cut the shit,” but did not know why he made the statement. PO Kalinowski commented that the situation seemed “very dynamic.”

While police officers are held to a high standard of conduct, traditional rules of etiquette cannot be applied to stressful enforcement situations. Disciplinary Case 2013-10143 (BR 07).

Officers are permitted to use profanity in the context of a dynamic situation over which officers are still attempting to gain control. Disciplinary Case 2015-15012 (BR 08).

Although § 87(2)(b) was both animated and difficult during the incident, the investigation was neither stressful nor dangerous. § 87(2)(b) noncompliance and disagreeability § 87(2)(g)

**Allegation (C) Force: At § 87(2)(b) in Brooklyn, Police Officer Orkhan Mamedov hit § 87(2)(b) against a wall.**

**Allegation (D) Force: At § 87(2)(b) in Brooklyn, Police Officer Mdabdul Halim hit § 87(2)(b) against a wall.**

§ 87(2)(b) testified that after PO Kalinowski told him to “get [his] shit and leave,” he went inside the apartment and the officers followed. § 87(2)(b) refused to leave the apartment, as the officers had not provided him with a report. The officers then grabbed § 87(2)(b) arms and walked him out of the apartment. § 87(2)(b) grabbed the side of the apartment door and the door handle to prevent the officers from removing him from the apartment. PO Mamedov and another officer, identified by the investigation as PO Kalinowski, allegedly hit § 87(2)(b) into the wall in the hallway approximately three to four times before placing him into handcuffs.

In PO Mamedov's body-worn camera footage (BR 09, 03), after § 87(2)(b) exits the apartment, PO Mamedov instructs § 87(2)(b) to stand at the end of the hallway. § 87(2)(b) continues to insist he needs a police report because he was robbed and attacked (<<14:13 – 14:24>>). § 87(2)(b) insists that the officers are not doing their jobs. PO Mamedov explains that a police report cannot be generated immediately, but § 87(2)(b) insists that it is generated immediately (<<17:42 – 17:58>>). PO Halim removes his handcuffs and tells § 87(2)(b) he is going to take him to the hospital (see Allegation F). § 87(2)(b) sits down at the end of the hallway. PO Mamedov stands § 87(2)(b) up and PO Halim handcuffs § 87(2)(b) without incident. § 87(2)(b) does not make any contact with the wall. § 87(2)(b) continues to yell about needing a police report (<<18:16 – 18:54>>).

In PO Kalinowski's body-worn camera footage, PO Halim and PO Mamedov approach § 87(2)(b) and PO Kalinowski instructs § 87(2)(b) to put his hands behind his back. PO Halim and PO Mamedov handcuff § 87(2)(b) standing up and § 87(2)(b) never makes any contact with the wall. Kalinowski does not appear to assist in the handcuffing process (<<18:21 – 19:04>>).

PO Mamedov (BR 10) testified that when the officers tried to handcuff § 87(2)(b) § 87(2)(b) moved his body and stiffened his arms, as well as started to kick the officers. As the officers were trying to handcuff § 87(2)(b) they "guided" § 87(2)(b) to the ground because he was actively resisting and could have injured himself or the officers (see Allegation I). PO Mamedov did not recall what he did physically to get § 87(2)(b) on the ground, and had no recollection of the officers hitting § 87(2)(b) into a wall. PO Mamedov did not recall how long it took the officers to handcuff § 87(2)(b) but were able to do so once § 87(2)(b) was on the ground.

PO Halim testified that when the officers tried to handcuff § 87(2)(b) he pulled his hands away from the officers to avoid being handcuffed, but PO Halim and PO Mamedov were ultimately able to handcuff § 87(2)(b) by pulling his hands behind his back. PO Halim denied hitting § 87(2)(b) into a wall.

Both PO Mamedov's and PO Kalinowski's body-worn camera footage dispute § 87(2)(b) testimony that PO Mamedov and PO Halim hit § 87(2)(b) into a wall before handcuffing him, as § 87(2)(b) does not make any contact with the wall at all. § 87(2)(g)

**Allegation (E) Abuse of Authority: At § 87(2)(b) in Brooklyn, Police Officer Mdabdul Halim forcibly removed § 87(2)(b) to the hospital.**

**Allegation (F) Abuse of Authority: At § 87(2)(b) in Brooklyn, Police Officer Orkhan Mamedov forcibly removed § 87(2)(b) to the hospital.**

It is undisputed that PO Halim and PO Mamedov forcibly removed § 87(2)(b) to the hospital from § 87(2)(b).

In PO Halim's body-worn camera footage, after § 87(2)(b) enters the apartment to explain how the assault occurred and the officers instruct § 87(2)(b) to get his things and leave, PO Halim states, "If you don't go, I'm going to send you to the hospital. How about that?" As § 87(2)(b) enters the bathroom to reenact the assault, PO Halim again tells § 87(2)(b) that if he does not leave, he is going to put him in handcuffs and send him to the hospital (<<12:18 – 13:20>>). § 87(2)(b) exits the apartment into the hallway and begins arguing with the officers about leaving the apartment and the police report. § 87(2)(b) walks out of the apartment without stumbling and does not slur his words or otherwise show signs of being intoxicated. PO Halim states, "I am going to send you to the hospital. How about that?" and instructs § 87(2)(b) to put his hands behind his back (<<18:16 – 18:54>>). § 87(2)(b) is able to walk without issue.

In PO Mamedov's body-worn camera footage, as § 87(2)(b) continues to argue over the preparation of a police report, PO Mamedov asks § 87(2)(b) if he is trying to go to the hospital. PO Kalinowski then instructs § 87(2)(b) to put his hands behind his back. PO Mamedov tells § 87(2)(b) that he is being erratic and violent, which § 87(2)(b) disputes (<<18:07 – 18:34>>). PO

Mamedov does not make any statements that § 87(2)(b) is intoxicated, nor does he lay on the ground in the hallway.

PO Halim testified that § 87(2)(b) was irate throughout the incident and appeared to be intoxicated, as PO Halim smelled alcohol on § 87(2)(b) breath and § 87(2)(b) had trouble standing upright. Because § 87(2)(b) was intoxicated, unable to stand up properly, and kept repeating himself, PO Halim and PO Mamedov decided together that § 87(2)(b) should go to the hospital. Because § 87(2)(b) was “super drunk,” PO Halim believed § 87(2)(b) was a threat to neighbors and other passerbys. When EMS arrived, PO Halim did not remember if the EMTs verbally confirmed that they believed § 87(2)(b) should go to the hospital.

PO Mamedov testified that § 87(2)(b) spoke unusually fast and did not make sense, repeated the same statements, and seemed erratic, possibly intoxicated or under the influence of drugs. Because of these observations, PO Mamedov believed that § 87(2)(b) should go to the hospital for a medical evaluation. § 87(2)(b) also got on the ground in the hallways outside the apartment. Because § 87(2)(b) got on the ground in a narrow hallway and was not “acting normally,” § 87(2)(b) could have fallen down the stairs or accidentally caused the officers to fall down the stairs, leading PO Mamedov to believe that § 87(2)(b) was a threat to himself or others.

The AIDED report (BR 12) PO Mamedov prepared for § 87(2)(b) was consistent with his testimony. The AIDED notes that § 87(2)(b) became “aggressive and violent” toward the officers after being instructed to leave the location.

Officers who reasonably believe that a person who is mentally ill or emotionally disturbed because the person is conducting himself in a manner likely to result in a serious injury to himself or other must be taken into protective custody. NYPD Patrol Guide Procedure 221-13 (BR 11).

PO Halim’s testimony that § 87(2)(b) had trouble standing during the incident was inconsistent with PO Halim and PO Mamedov’s BWC footage, which showed § 87(2)(b) move from the hallway and into the apartment with ease and without struggle to remain standing. The investigation similarly discredited PO Mamedov’s testimony that § 87(2)(b) lying down in the hallway was an immediate threat to himself or others. Further, as documented in PO Halim’s body-worn camera footage, PO Halim threatened to remove § 87(2)(b) to the hospital if he refused to leave the apartment, which is completely unrelated to § 87(2)(b) mental state, and was therefore rather a statement of coercion to obtain § 87(2)(b) compliance, as § 87(2)(b) was generally difficult and animated throughout the incident. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation (G) Abuse of Authority: Inside § 87(2)(b) in Brooklyn, Police Officer Orkhan Mamedov interfered with § 87(2)(b) use of a recording device.**

**Allegation (H) Abuse of Authority: Inside § 87(2)(b) in Brooklyn, Police Officer Orkhan Mamedov damaged § 87(2)(b) property.**

§ 87(2)(b) testified that before he walked out of the apartment into the hallway, he held his cellphone in his hand and recorded the incident. After the officers hit § 87(2)(b) into the wall, PO Mamedov allegedly removed § 87(2)(b) phone from his hand and hit the corner of § 87(2)(b) phone against the wall, causing the corner of the phone to crack.

In PO Mamedov’s body-worn camera footage, after the officers handcuff § 87(2)(b) and walk him toward the top of the stairs, § 87(2)(b) refuses to walk down the stairs. The officers instruct § 87(2)(b) to walk down the stairs, to which § 87(2)(b) responds, “This is illegal. I need to record this.” PO Mamedov approaches § 87(2)(b) and says, “No, you’re not recording.” A struggle then ensues (see Allegations I and J) and therefore what PO Mamedov does with § 87(2)(b) phone is not visible (<<19:27 – 20:19>>).

In PO Kalinowski’s body-worn camera footage, after § 87(2)(b) says he is recording the incident, PO Mamedov tells § 87(2)(b) “No you’re not,” and attempts to remove § 87(2)(b)



phone from his rear-cuffed hands. The screen then goes black due to PO Kalinowski's proximity to § 87(2)(b) (<<19:59 – 20:09>>).

PO Mamedov testified that when § 87(2)(b) refused to walk downstairs to meet with the EMTs, § 87(2)(b) tried to record on his cellphone and PO Mamedov removed the cellphone from § 87(2)(b) hand, as he did not want § 87(2)(b) to hold it and possibly use it as a weapon. PO Mamedov did not recall what he did with § 87(2)(b) cellphone after he removed it from § 87(2)(b) hands and did not remember if he hit the cellphone into the wall, resulting in a crack to the corner of the phone.

Individuals have a right to lawfully observe and/or record police activity including, but not limited to detentions, searches, arrests or uses of force. The right to observe and/or record police action can be limited for reasons such as the safety of officers or other members of the public, or when a violation of law is committed by the individual who is observing/recording. NYPD Administrative Guide Procedure 304-21 (BR 13).

According to the officers' body-worn camera footage, contrary to § 87(2)(b) testimony, § 87(2)(b) does not make mention of recording the incident until he is handcuffed and the officers attempt to remove him from the building. As § 87(2)(b) was in police custody when he started recording the incident, § 87(2)(g)

At issue then is what PO Mamedov did with § 87(2)(b) phone after removing it from § 87(2)(b) hands. As the officers' body-worn camera footage does not capture what PO Mamedov does with § 87(2)(b) phone, § 87(2)(g)

**Allegation (I) Force: Inside of § 87(2)(b) in Brooklyn, Police Officer Orkhan Mamedov used physical force against § 87(2)(b)**

**Allegation (J) Force: Inside of § 87(2)(b) in Brooklyn, Police Officer Christopher Kalinowski used physical force against § 87(2)(b)**

In PO Mamedov's body-worn camera footage, PO Mamedov and other officers instruct § 87(2)(b) who is not visible, to start walking down the stairs. § 87(2)(b) then states, "This is illegal. I need to record this. After PO Mamedov removes § 87(2)(b) phone from his hands, a struggle ensues and PO Mamedov's camera becomes shaky. § 87(2)(b) says, "You're hurting me, cops," as PO Mamedov grabs § 87(2)(b) rear-cuffed arms. A thud noise is heard and a voice says, "Get him down." § 87(2)(b) then appears to be on the ground (<<19:44 – 20:36>>).

In PO Kalinowski's body-worn camera footage, PO Kalinowski stands at the top of the stairs with § 87(2)(b). PO Kalinowski says, "One step at a time" and other officers instruct § 87(2)(b) to go down the stairs. A struggle ensues after PO Mamedov removes § 87(2)(b) phone. The screen is mostly dark at this time, but PO Kalinowski says, "Put him down" several times. Both PO Kalinowski and other officers appear to be kneeling on the ground, but § 87(2)(b) is not visible at this time (<<19:49 – 20:36>>).

In PO Halim's body-worn camera footage, § 87(2)(b) stands at the top of the stairs with officers. The officers instruct § 87(2)(b) to walk down the stairs, but § 87(2)(b) ignores the officers' commands and remains still. PO Halim goes back upstairs as the struggle ensues in a narrow hallway. PO Kalinowski and PO Mamedov hold § 87(2)(b) near his handcuffed arms, as § 87(2)(b) stands upright, and move § 87(2)(b) away from the top of the stairs. § 87(2)(b) then lands on the ground on his left side. The officers then crowd around § 87(2)(b) obscuring him. (<<19:55 – 20:23>>).

§ 87(2)(b) did not allege that he was taken to the ground while he was handcuffed.

PO Mamedov testified that when § 87(2)(b) refused to go down the stairs, the officers attempted to handcuff him for the safety of both § 87(2)(b) and the officers. § 87(2)(b) moved

his arms and body, as well as stiffened his arms, to prevent the officers from handcuffing him. § 87(2)(b) also started kicking the officers. The officers “guided” § 87(2)(b) to the ground because he was actively resisting and could have injured himself or the officers. PO Mamedov did not recall where he or other officers were holding § 87(2)(b) to get him on the ground and did not recall what he did physically to get § 87(2)(b) on the ground. Once on the ground, the officers were able to handcuff § 87(2)(b). After reviewing his body-worn camera footage, PO Mamedov confirmed that § 87(2)(b) was brought to the ground after he was handcuffed. The officers did so because § 87(2)(b) was refusing to walk down the stairs and PO Mamedov feared that either § 87(2)(b) or the officers were going to fall down the stairs. PO Mamedov and the other officers took § 87(2)(b) to the ground because they were trying to gain control of him before bringing him downstairs to the EMTs.

As mentioned above, PO Kalinowski had no recollection of this incident. Even after watching his body-worn camera footage, PO Kalinowski did not know why § 87(2)(b) was taken to the ground.

PO Halim, who was not physically involved in taking § 87(2)(b) to the ground, denied taking § 87(2)(b) to the ground or seeing PO Mamedov do so. After reviewing his body-worn camera footage, PO Halim testified that the officers brought § 87(2)(b) to the ground because he was not complying with going to the ambulance.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. Members of the service shall not use any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape or to overcome active physical resistance or assault. NYPD Patrol Guide Procedure 221-01 (BR 14).

§ 87(2)(g)  
Although it is evident from the officers’ body-worn camera footage that § 87(2)(b) refused to walk down the stairs, § 87(2)(b) was handcuffed at this time and was only offering passive resistance by ignoring the officers’ commands to walk down the stairs. Further, PO Halim’s body-worn camera footage, which captures § 87(2)(b) standing at the top of the stairs, discredited PO Mamedov’s testimony that § 87(2)(b) kicked the officers after he was handcuffed, as the video captures § 87(2)(b) at the top of the stairs merely refusing to walk down them. As § 87(2)(b) was not actively resisting and § 87(2)(b) passive resistance of refusing to walk, while already in handcuffs, did not pose a threat to PO Mamedov and PO Kalinowski, § 87(2)(g)

**Allegation (K) Discourtesy: Inside of § 87(2)(b) in Brooklyn, Police Officer Christopher Kalinowski acted discourteously toward § 87(2)(b)**

**Allegation (L) Discourtesy: Inside of § 87(2)(b) in Brooklyn, Police Officer Christopher Kalinowski spoke discourteously to § 87(2)(b)**

In PO Kalinowski’s body-worn camera footage, once the officers bring § 87(2)(b) downstairs to the first floor of the building, the officers and EMTs place § 87(2)(b) onto a stretcher. PO Kalinowski holds § 87(2)(b) face with both of his hands, so that § 87(2)(b) face is turned away from PO Kalinowski toward the wall. § 87(2)(b) asks PO Kalinowski why he is holding his face and PO Kalinowski responds, “Because I am not getting spit on.” It does not appear that § 87(2)(b) spits on or at PO Kalinowski. PO Kalinowski then says, “Yo, give me the jacket.” PO Kalinowski then takes § 87(2)(b) jacket and drops it over his face. § 87(2)(b) moves his head, so that the jacket is no longer over his face, and says, “Don’t put that over my face. What? That’s illegal.” PO Kalinowski yells, “It’s a fucking blanket.” EMTs then remove the stretcher from the building and PO Kalinowski says, “You’re an idiot” as § 87(2)(b) is wheeled out in the stretcher (<<25:26 – 26:00>>).

As mentioned throughout this report, PO Kalinowski had no recollection of this incident.



When he reviewed the aforementioned clip from his body-worn camera footage, PO Kalinowski said he still did not remember the incident, including whether § 87(2)(b) spit on him. PO Kalinowski testified that he made the statement, “It’s a fucking blanket” because he was frustrated. PO Kalinowski could not tell from the video if he intentionally dropped § 87(2)(b) jacket on his face, but said that based on the video, § 87(2)(b) must have spit and PO Kalinowski did not want to be spit on. PO Kalinowski could not identify the voice making the statement, “You’re an idiot.”

The investigation received negative results for a TRI prepared for § 87(2)(b) (see Allegations Q and R).

According to the Mission, Vision, and Values of the New York City Police Department, officers pledge to value human life, respect the dignity of each individual, and render services with courtesy and civility. NYPD Patrol Guide Procedure 200-02 (BR 15).

While police officers are held to a high standard of conduct, traditional rules of etiquette cannot be applied to stressful enforcement situations. Disciplinary Case 2013-10143.

Officers are permitted to use profanity in the context of a dynamic situation over which officers are still attempting to gain control. Disciplinary Case 2015-15012.

It is clear from PO Kalinowski’s body-worn camera footage that § 87(2)(b) did not spit on PO Kalinowski. While the investigation credits that § 87(2)(b) was difficult and animated during the incident, PO Kalinowski dropping § 87(2)(b) jacket over his face while he was handcuffed on a stretcher was gratuitous. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Similarly, PO Kalinowski’s statements of, “It’s a fucking blanket” and, “You’re an idiot” were made once § 87(2)(b) was handcuffed on a stretcher. As § 87(2)(b) was restrained and the officers had control of the situation, § 87(2)(g)

§ 87(2)(g)

**Allegation (M) Discourtesy: En route to § 87(2)(b) Hospital in Brooklyn, Police Officer Orkhan Mamedov spoke discourteously to § 87(2)(b)**

**Allegation (N) Abuse of Authority: En Route to § 87(2)(b) Hospital in Brooklyn, Police Officer Orkhan Mamedov interfered with § 87(2)(b) use of a recording device.**

§ 87(2)(b) testified that after he was brought outside and placed into an ambulance, he was transported to § 87(2)(b) Hospital in Brooklyn. Sometime during the transport, PO Mamedov returned § 87(2)(b) phone to him. § 87(2)(b) told PO Mamedov that he had the whole incident recorded to which PO Mamedov responded, “You better not be fucking recording in here.”

PO Mamedov did not remember if he went with § 87(2)(b) in the ambulance or escorted the ambulance to § 87(2)(b) Hospital in his vehicle. PO Mamedov had no recollection of telling § 87(2)(b) “You better not be fucking recording in here.”

PO Halim similarly did not remember if or PO Mamedov went with § 87(2)(b) in the ambulance. PO Kalinowski did not remember having any discussion with PO Mamedov after § 87(2)(b) was removed to § 87(2)(b) Hospital about what occurred in the ambulance and had no recollection of going to the hospital.

PO Mamedov’s body-worn camera footage concludes before § 87(2)(b) transport and thus the investigation has no video footage of the transport itself.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (O) Abuse of Authority: At § 87(2)(b) Hospital in Brooklyn, Police Officer Orkhan Mamedov interfered with individuals’ uses of recording devices.**

**Allegation (P) Abuse of Authority: At § 87(2)(b) Hospital in Brooklyn, Police Officer Mdabdul Halim interfered with § 87(2)(b) use of a recording device.**



**Civilian and Officer CCRB Histories**

- § 87(2)(b) [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
- This is the first complaint to which § 87(2)(b) [REDACTED] has been party (BR 24).
- PO Halim has been a member of service for seven years and has been a subject in three cases and seven allegations, none of which were substantiated. § 87(2)(g) [REDACTED]  
[REDACTED]
- PO Mamedov has been a member of service for three years and has been a subject in three cases and nine allegations, one of which were substantiated. § 87(2)(g) [REDACTED]  
[REDACTED]
- PO Kalinowski has been a member of service for four years and has been a subject in four cases and 10 allegations, none of which were substantiated. § 87(2)(g) [REDACTED]  
[REDACTED]

**Mediation, Civil, and Criminal Histories**

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- As of November 4, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (BR 22).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
■ [REDACTED]

Squad: 14

Investigator: Casey McCann Inv. Casey McCann 09/27/2021  
Signature Print Title & Name Date

Squad Leader: Cassandra Fenkel IM Cassandra Fenkel 09/28/2021  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date

